

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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In re Applications of)	MM Docket No. 90-96
)	
SUNBELT LIMITED PARTNERSHIP)	File No. BPH-880308ME
)	
TROY BROADCASTING CORPORATION)	File No. BPH-880310MJ
)	
RALPH W. BLACK, JR.)	File No. BPH-880310MT
)	
For Construction Permit For a)	
New FM Station on Channel 234A in)	
Brundidge, Alabama)	

ORDER

Adopted: August 8, 1996 ; Released: August 16, 1996

By the Assistant General Counsel, Administrative Law Division:

1. This order grants the Joint Requests for Approval of Settlement Agreement filed July 19, 1996 by Troy Broadcasting Corporation (Troy) and Ralph W. Black, Jr., and filed and supplemented July 19 and 30, 1996 by Troy and Sunbelt Limited Partnership (Sunbelt). Comments in support of the Joint Request were filed by the Mass Media Bureau on August 1, 1996.

2. By its Memorandum Opinion and Order, 8 FCC Rcd 753 (1993), recon. den., 8 FCC Rcd 7036 (1993), the Commission affirmed the Review Board's grant of Troy's application and denied the competing applications of Sunbelt and Black. Thereafter, Sunbelt and Black filed appeals of the denial of their applications with the United States Court of Appeals for the District of Columbia Circuit (Case Nos. 93-1189 and 93-1708). By its Order of May 9, 1994, the Court of Appeals remanded this case to the Commission for further consideration in light of the court's decision in Bechtel v. FCC, 10 F. 3rd 875 (D.C. Cir. 1993), holding that the integration of ownership into management criterion used by the Commission to decide among competing applicants was unlawful.

3. The parties have now entered into settlement agreements which they have attached to their Joint Requests. Pursuant to those agreements, Troy would pay Sunbelt \$112,000.00 and Black \$80,000.00, Troy's application would be granted and Sunbelt's and Black's applications would be dismissed.

4. The Joint Requests comply in all respects with the provisions of 47 U.S.C. § 311(c) and 47 C.F.R. § 73.3525(a) governing settlement agreements. The applicants have provided sworn statements that there is no other consideration for the dismissal of these

applications, that these applications were not filed for the purpose of reaching or carrying out a settlement agreement, and that approval of the agreement will serve the public interest by facilitating the institution of new FM service for Brundidge, Alabama, and by terminating this litigation. Finally, Sunbelt and Black have provided documentation demonstrating legitimate and prudent expenses in the preparation, filing and prosecution of their applications exceeding the amount of their proposed reimbursement.

5. ACCORDINGLY, IT IS ORDERED, That, pursuant to the authority delegated under 47 C.F.R. § 0.251(c), the Joint Requests for Approval of Settlement filed July 19, 1996 by Troy Broadcasting Corporation and Ralph W. Black, Jr., and filed and supplemented July 19 and 30, 1996 by Troy Broadcasting Corporation and Sunbelt Limited Partnership ARE GRANTED and the attached settlement agreements ARE APPROVED; the applications of Sunbelt Limited Partnership (File BPH-880308ME) and Ralph W. Black, Jr., (File No. BPH-880310MT) ARE DISMISSED; and the application of Troy Broadcasting Corporation (File No. BPH- 880310MJ) IS GRANTED; and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

John I. Riffer
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